

REMARKS

Applicant submits herewith the Substitute Declaration of Michael M. Evans, replacing and withdrawing the Declaration of Michael M. Evans previously submitted on December 9, 2008, which lacked the statement referring to Section 1001 of Title 18. The exhibits A-D previously submitted in full color with the original Declaration of Michael Evans apply to the Substitute Declaration of Michael M. Evans and are referenced therein. Thus, they are not withdrawn, and new copies are not submitted.

Applicant also submits herewith the Declaration of James D. Brasher Under Rule 132, and the Declaration of William Palmer Under Rule 132. Together, all the declarations submitted in this case show secondary considerations of non-obviousness of the invention of claims 1-14 and 17-62, including commercial success attributable to the claimed features of the invention and including the art-recognized, long-felt, unmet need satisfied by the invention as claimed thereby.

In view of the foregoing, Applicant asserts that not only does the Office Action not find all elements of Applicant's recited claims and provide a clear articulation of why the claimed would have been obvious, but secondary considerations demonstrate the non-obviousness thereof. Applicant respectfully asserts that the Response to Office Action filed December 9, 2008, together with the declarations submitted herewith, supporting secondary considerations of non-obviousness, overcome the rejections of claims 1-14 and 17-62 of record in the case.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-14 and 17-62. In view of the foregoing, reconsideration is respectfully requested. In the event that the examiner finds any remaining impediment to the prompt

allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 30th day of December, 2008.

Respectfully submitted,



A handwritten signature in dark ink, appearing to read 'John Pate', is written over a horizontal line. The signature is stylized and cursive.

~~John Pate~~

Reg. No. 36,234

Attorney for Applicant

Date: December 29, 2008

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